

November 29, 2005

**QUESTIONS & ANSWERS
INVITATION FOR BID # OAH-14
TRAINING IN SPECIAL EDUCATION LAW (IDEA)
FOR ADMINISTRATIVE LAW JUDGES
OFFICE OF ADMINISTRATIVE HEARINGS**

Per Section C., 1) of the Invitation for Bid, all questions were to be submitted in writing no later than 5:00 P M, on November 23, 2005. The following questions were submitted. The answer follows after the question.

1. QUESTION: Section B of this IFB, "Minimum Qualifications for Proposers," requires at item 1 (page 3):

1. Possession of at least a Juris Doctorate (J.D.) degree or Bachelor of Law (L.L.B.) degree by principal presenters.

Does this mean that ONLY persons with these degrees may be presenters, or are persons with other education or professional experience also eligible to be presenters?

ANSWER: Yes, Principal presenters must possess these degrees. Persons with other education or professional experience may be assistants to the presenters, but not instructors.

2. QUESTION: Section C of this IFB, "Proposer Requirements and Information, at subpart 2), "Work Plan and Work Schedule Requirements," item b), "Facilities and Resources," (page 4) states:

"The program shall be held at a location designated by the Office of Administrative Hearings in Sacramento, California or at a location in Southern California to be designated by the OAH. OAH shall contract for, and pay for the meeting room."

a) Are there any limitations on the type and amount of meeting facilities that bidders should consider in developing and submitting a bid?

ANSWER: The meeting facilities chosen by OAH for training sites will be typical classroom settings. OAH will contract for and pay for the necessary facilities.

b) Will OAH consult with bidders before selecting and contracting for meeting space?

ANSWER: OAH will consult with the firm or individual who is awarded the contract from this IFB. There will be no consulting prior to the award of a contract.

3. QUESTION: Item 5 regarding the "Minimum Qualifications for Proposers" indicates that presenters may not represent clients, parties and school districts in Special Education matters appearing before the State of California. While I currently have no cases pending does item 5 require that I never again, for the rest of my career, file any due process hearings in California?

ANSWER: No. This would apply only to the term of this contract which will be January 1, 2006 through June 30, 2006.

4. QUESTION: Please clarify whether instructors (as opposed to principal presenters or the proposing entity) do not necessarily have to meet the minimum qualifications, as long as the principal presenters meet these qualifications.

ANSWER: Both Instructors and Principal presenters must meet the minimum requirements.

5. QUESTION: Please clarify whether instructors (as opposed to principal presenters) can be non-attorneys.

ANSWER: No.

6. QUESTION: Please clarify whether the teaching experience requirement for principal presenters for time teaching to non-attorneys, such as graduate students, parents, or professional staff is considered when evaluating experience.

ANSWER: No. The experience must be teaching Special Education Law to attorneys, hearing officers or ALJs.

7. QUESTION: Please clarify whether preparation time is included in the teaching experience time requirements.

ANSWER: No.

8. QUESTION: Please clarify whether the 20 hours of teaching experience on the newly reauthorized IDEA may be met after the date bidding closes on this IFB, but prior to the commencement of the ALJ training.

ANSWER: This experience is a qualification that will be rated, therefore it must be met prior to the final date for bid submission.

9. QUESTION: Please clarify whether a Proposer may be a professional, nationwide membership network which includes California special education practitioners (see requirement #5).

ANSWER: No.

10. QUESTION: Please confirm that although principal presenters may not be California special education practitioners, given the focus on California special education law and practice in this IFB, that qualified proposers/principal presenters may consult with California practitioners to develop the curriculum.

ANSWER: Yes. It will be permissible to consult with practitioners to develop curriculum as long as consultants are not presenters/instructors.

11. QUESTION: Also clarify whether California practitioners may serve as instructors.

ANSWER: No.

12. QUESTION: Please clarify what percentage of time would be expected to be devoted to “practices required for effective decision-making in due process hearings.”

ANSWER: The attendees are Administrative Law Judges. The time devoted to this training shall be determined by the Proposer/Principal presenter.

Regarding the Project Personnel (section C, subsection (a), page 4): The IFB states that “The length of each training session shall be forty (40) hours and accommodate a minimum of 15 Administrative Law Judges.” It is unclear from this statement whether the contractor will be expected to deliver more than one training series. Elsewhere in the IFB, in Exhibit A, bidders are informed the “[t]he training is to be a minimum of four days, spread over a five day period, if necessary.”

13. QUESTION: We assume this permits five days of training at eight hours per day for a 40 hour total; please confirm.

ANSWER: Correct.

14. QUESTION: Please clarify whether contractors are to bid on one training series to last 40 hours, to be delivered over the course of four to five days, or if contractors will be expected to do multiple, 40 hour training series, four to five days each series.

ANSWER: One 40 hour session.

15. If the later, then bidders must be informed regarding the total number of training series being requested by OAH in order to appropriately respond to this IFB.

ANSWER: See answer to # 14.

Regarding the Additional Provisions (Exhibit E, page 20):

16. QUESTION: Under Consultant- Staff Expenses, please define “contractual relationship” and “government entity”, and to whom this prohibition applies – the Contractor, or the Contractor’s individual staff, or both.

ANSWER: This is a conflict of interest provision which prohibits the contractor from employing persons or entities who are employed by, or have an existing full time contractual relationship with, the State of California, to perform work required by the contract.

17. QUESTION: Is the Contractor prohibited from having any “contractual relationship” with a government entity, or just the Contractor’s individual staff working on the training?

ANSWER: See answer to question 16. The language is not intended to prohibit a Contractor, or the Contractor’s employees, who have entered into a contract with any government entity, from performing work on the contract. For example, this language would not prohibit an entity which was previously contracted with the State of California to provide training from performing this work.

18. QUESTION: Principal presenters, who may be staff of the Consultant/Proposer, may be teachers at publicly funded law schools, for example.

ANSWER: Such persons could be employees for the Contractor.

19. QUESTION: The Consultant/Proposer may receive federal or state funding pursuant to a contract.

ANSWER: This question is unclear, but may be answered by the responses to questions 16 through 18.

20. QUESTION: Would either of these examples constitute the type of “contractual relationship” with a “government entity” that is prohibited by this section?

ANSWER: No.

21. QUESTION: Are only California governmental entities contemplated by this prohibition, or all federal, state and local “governmental entities” throughout the country?

ANSWER: Only California entities.

22. QUESTION: Are school districts considered “governmental entities?”

ANSWER: Not for purposes of this prohibition.